

STEVEN W. MYHRE
 United States Attorney
 JAMES E. KELLER
 Assistant United States Attorney
 100 West Liberty Street, Suite 600
 Reno, Nevada 89501
 (775) 784-5438

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IN THE MATTER OF)	3:07-MJ-00068-VPC
THE EXTRADITION OF)	
WILBUR JAMES VENTLING,)	CERTIFICATION OF EXTRADITABILITY
a/k/a/ JOHN JAMES STEWART.)	<u>AND ORDER OF COMMITMENT</u>

The Court received a Complaint in this matter filed September 26, 2007, by JAMES E. KELLER, Assistant United States Attorney for the District of Nevada, acting on behalf of the Government of Canada, pursuant to its request for the provisional arrest of WILBUR JAMES VENTLING, also known as (a/k/a) JOHN JAMES STEWART. The Government of Canada, subsequent to that date, made a formal request for the extradition of Wilbur James Ventling, a/k/a John James Stewart, a/k/a Denis Arkman, a/k/a Wilburn Hamilton, and a/k/a Wilbur James Schwope.

On December 17, 2007, the Court conducted an extradition hearing at which the authenticated documents submitted by the Government of Canada were received in evidence. The fugitive appeared with counsel, and offered the following evidence in his own behalf: Defense Exhibits 1 and 2, and argument of counsel. The Court has carefully reviewed the evidence, including the Declaration of Heather K. McShain, attorney in the Office of the Legal Adviser, Department of State, and had the opportunity to observe the fugitive's physical characteristics as compared with the evidence of identification before the Court.

1 The Court finds that:

2 1. the undersigned judicial officer is authorized under Title
3 18, United States Code, Section 3184, to conduct an extradition
4 hearing;

5 2. the Court has personal jurisdiction over the fugitive and
6 subject matter jurisdiction over the case;

7 3. there is currently in force an extradition treaty between the
8 United States and Canada, namely the Extradition Treaty Between the
9 United States of America and Canada of December 3, 1971, which entered
10 into force on March 22, 1976 (TIAS 8237), the Protocol Amending the
11 Extradition Treaty with Canada of January 11, 1988, which entered into
12 force on November 26, 1991, and the Second Protocol Amending the
13 Extradition Treaty with Canada of January 12, 2001, which entered into
14 force on April 30, 2003;

15 4. the fugitive has been charged in the requesting state with
16 one count of rape contrary to section 144 of the Criminal Code of
17 Canada, and one count of causing bodily harm with intent contrary to
18 section 228 of the Criminal Code of Canada;

19 5. these charges constitute extraditable offenses within the
20 meaning of Article 2 of the 1971 Treaty, as replaced by Article I of
21 the 1988 Protocol;

22 6. the requesting state seeks the extradition of the fugitive
23 for trial for these offenses; and

24 7. there is probable cause to believe that Wilbur James
25 Ventling, a/k/a John James Stewart, a/k/a Denis Arkman, a/k/a Wilburn
26 Hamilton, and a/k/a Wilbur James Schwope, the fugitive and the same
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1 person who is before this court, committed the offenses for which his
2 extradition is sought, based upon the evidence contained within the
3 Certificate Of Kevin Powell, II, Counsel General of the United States
4 if America, to be Attached to Documentary Evidence Accompanying
5 Requisitions in the United States for Extradition dated December 4,
6 2007, including, therein, the affidavit of Kevin Joseph Cyr of the
7 Royal Canadian Mounted Police, sworn to on November 27, 2007 ("Cyr
8 Affidavit"). The Cyr Affidavit includes the following evidence: (1)
9 Tavin Christine Somerset's statements, both on November 2, 2007, and
10 shortly after the crime, reflecting that, on May 27, 1979, at Vernon,
11 in the Province of British Columbia, Wilbur James Ventling claimed to
12 be looking for his lost cat, when he lured Ms. Somerset, who was nine
13 years old at the time, to a wooded area, grabbed her sweater, pulled
14 it over her head, smothered her, gained access to her genitalia, and
15 vaginally raped her, without her consent, causing internal damage to
16 her body requiring emergency medical treatment; (2) the medical
17 reports of Ms. Somerset, indicating the substantial injuries she
18 suffered as a result; (3) the witness statement of Charmaine Brodland,
19 who was one of, if not, the first to observe Ms. Somerset shortly
20 after the crime; (4) witness statements of Patricia Nolan, Dr. Graham
21 Spiller, and Dr. Bryn Jones, medical personnel who were present in the
22 Vernon Jubilee Hospital, when and where Ms. Somerset was treated for
23 her injuries; (5) an analysis of a photograph of a bloody fingerprint
24 left by the assailant of Ms. Somerset at the scene of the crime, and
25 its matching to the fingerprint of Wilbur James Ventling on file with
26 the Las Vegas Metropolitan Police Department; (6) the match of Wilbur

1 James Ventling's DNA on file with Washoe County Sheriff's Office
2 Forensic Science Division and the DNA sample from the plaid slacks
3 worn by Ms. Somerset during the crime; (7) the DNA match of the DNA
4 sample obtained from Wilbur James Ventling on October 9, 2007, with
5 DNA samples recovered from the plaid slacks, red sweater, and tank top
6 worn by Ms. Somerset during the crime, with the estimated probability
7 of 1 in 42 billion in selecting an unrelated individual at random from
8 the Canadian Caucasian population with the same profile; (8) the
9 physical description, photographs, and other identification
10 information of Wilbur James Ventling; and (9) the Indictment by
11 Information and Warrant for Arrest of Wilbur James Ventling a/k/a John
12 James Stewart in Vernon, British Columbia, collectively which evidence
13 the crimes committed and identifies Wilbur Ventling as the person who
14 committed these crimes at Vernon, Providence of British Columbia.

15 Based on the foregoing findings, the Court concludes Wilbur James
16 Ventling, a/k/a John James Stewart, a/k/a Denis Arkman, a/k/a Wilburn
17 Hamilton, and a/k/a Wilbur James Schwope is extraditable for each
18 offense for which extradition was requested, and hereby certifies this
19 finding to the Secretary of State as required under Title 18, United
20 States Code, Section 3184.

21 IT IS THEREFORE ORDERED that a certified copy of this
22 Certification of Extraditability and Order of Commitment (and a copy
23 of any documents or testimony submitted by or on behalf of the
24 fugitI've) be forwarded without delay by the Clerk to the Department
25 of State, to the attention of the Office of the Legal Adviser;

26 AND IT IS FURTHER ORDERED that Wilbur James Ventling, a/k/a John
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1 James Stewart, a/k/a Denis Arkman, a/k/a Wilburn Hamilton, and a/k/a
2 Wilbur James Schwope, be committed to the custody of the United States
3 Marshal for this District for a period of sixty (60) days pending
4 final disposition of this matter by the Secretary of State and
5 surrender to designated agents of the Government of Canada, provided
6 that this period of confinement may be extended upon application by
7 counsel if final disposition by the Secretary of State and surrender
8 to designated agents of the Government of Canada is not accomplished
9 within this sixty (60) day period.

10 Dated: December 18, 2007.

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HON. ROBERT A. McQUAID, JR.
UNITED STATES MAGISTRATE JUDGE
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